

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42057

PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY
v.
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: March 18, 2004

By complaint filed on December 20, 2000, the Public Service Company of Colorado d/b/a Xcel Energy (Xcel) challenges the rates charged by The Burlington Northern and Santa Fe Railway Company (BNSF) for movements of coal from origins in the Powder River Basin of Wyoming to Xcel's Pawnee Steam Electric Generating Station near Brush, CO. Xcel alleges that BNSF possesses market dominance over the traffic and requests that maximum reasonable rates be prescribed, along with other relief. The parties filed opening evidence on January 10, 2003, reply evidence on April 4, 2003, rebuttal evidence on May 19, 2003, and briefs on September 8, 2003. An oral argument to discuss the issues raised in this proceeding was held on Thursday, March 18, 2004.

In accordance with discussion at the hearing and the February 17, 2004, Board decision, the parties are directed to file post-argument briefs with the Board by April 5, 2000 addressing the following issues:

1. based on the existing record, if the Board should decide to use an operating plan that is predicated on a traffic group that is different in size from the traffic group used by the Board, what adjustments the Board should make to the corresponding operating expenses and road property investment;
2. in determining the future operating costs of the stand-alone railroad, whether there is an alternative to the RCAF-A or RCAF-U indexes that the Board should consider; and
3. if the Board should find that the total revenues generated by the traffic group exceed the total revenue requirements of the stand-alone railroad, how the Board should compute the maximum reasonable rate for the Xcel traffic at issue in this case.

Given the issues to be addressed, a 25-page limit for post-argument briefs is appropriate. Replies to briefs shall be limited to 15 pages and due by April 12, 2004. Each party shall file 15 copies of its submissions as well as 3 computer diskettes containing electronic versions of those submissions.

It is ordered:

1. Post-argument briefs not to exceed 25 pages in length are due by April 5, 2004. Post-argument reply briefs not to exceed 15 pages are due by April 12, 2004.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary